

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 72.2)

To:

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05.1.18

SAKURA

Date of mailing (day/month/year) 13 January 2005 (13.01.2005)	
Applicant's or agent's file reference FELY0301-PCT	IMPORTANT NOTIFICATION
International application No. PCT/JP2003/003770	International filing date (day/month/year) 27 March 2003 (27.03.2003)
Applicant TOKYO ELECTRON LIMITED et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AZ, CA, CH, CN, CO, EP, GH, KG, KP, KR, MK, MZ, RO, RU, TM

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

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3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

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Translation

PATENT COOPERATION TREATY

PCT/JP2003/003770



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference FELY0301-PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP2003/003770	International filing date (day/month/year) 27 March 2003 (27.03.2003)	Priority date (day/month/year) 11 April 2002 (11.04.2002)
International Patent Classification (IPC) or national classification and IPC H01L 21/3065		
Applicant TOKYO ELECTRON LIMITED		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>11</u> sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 10 July 2003 (10.07.2003)	Date of completion of this report 12 March 2004 (12.03.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP2003/003770

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 2, 3, 6-14 _____, as originally filed
pages _____, filed with the demand
pages _____ 1, 4-5/1, 15 _____, filed with the letter of _____ 19 December 2003 (19.12.2003)
- ☒ the claims:
pages _____ 13-22 _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____ 1-12, 23-26 _____, filed with the letter of _____ 19 December 2003 (19.12.2003)
- ☒ the drawings:
pages _____ 1/4-4/4 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-26	YES
	Claims		NO
Inventive step (IS)	Claims	1, 12, 23-26	YES
	Claims	2-11, 13-22	NO
Industrial applicability (IA)	Claims	1-26	YES
	Claims		NO

2. Citations and explanations

Documents cited in the international search report:

Document 1: US 2001/16364 A1 (James Loan)

Document 2: JP 2002-43402 A (Tokyo Electron Ltd.)

Document 3: JP 11-340208 A (Tokyo Electron Ltd.)

Newly found documents:

Document 4: EP 393637 A (Tokyo Electron Ltd.), 18 April 1990, column 2, line 31 to column 7, line 12, & JP 03-048421 A

Document 5: JP 2001-144033 A (Tokyo Electron Ltd.), 25 May 2001, paragraphs [0005] to [0028], & TW 484189 A

Claims 1, 12, and 23 to 26

Document 2 discloses the provision of a static eliminator circuit in order to prevent breakdown of an electrostatic chuck due to static electricity deriving from a cooling medium circulated through a lower electrode, and document 4 discloses the cooling of a lower electrode to a specified temperature and the continued supplying of an inert gas at times other than during plasma treatment. The etching device disclosed in document 4 also has a feature wherein a cooling medium is caused to flow in order to cool a lower electrode, and a reason for using an electrostatic chuck in place of a clamp is

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recognized, and thus, the application of the constitution for a lower electrode disclosed in document 4 to the lower electrode disclosed in document 2 is merely a feature fittingly determined by a person skilled in the art, and therefore, a person skilled in the art could easily conceive of the inventions described in claims 1, 12, and 23 to 26.

Claims 2 to 11 and 13 to 22

Documents 1 to 5 do not disclose the features specified in claims 2 to 11 and 13 to 22, nor would a person skilled in the art easily conceive of said features from the disclosures found in said documents.